

25 *C2* forming a spacer insulating layer over said word line; and  
 26 *Conci'd* forming a bit line above the top surface of said substrate so as to pass  
 27 over said word line but be insulated therefrom by said spacer insulating layer,  
 28 and so as to form an electrical contact with said drain region which is self aligned  
 29 with the edges of said spacer insulating layer.

## REMARKS

Claims 1-5 are the original claims that went to the Board of Appeals but which have been amended herein to overcome the rejections of claims 2 and 3 for indefiniteness, which rejection was imposed in the final rejection Office Action dated 3/10/98. All prior art rejections of claims 1-5 have been overturned by the Board of Appeals. Claims 1-5 should now be in condition for allowance.

A new claim 6 directed to a method of making said EEPROM cell has been added.

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Respectfully submitted,

*Ronald C. Fish*

Ronald Craig Fish

Reg. No. 28,843

Tel 408 778 3624

FAX 408 776 0426

Ronfpatents@worldnet.att.net

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*Ronald C. Fish*

Ronald Craig Fish, President

Ronald Craig Fish a Law Corporation

Reg. No. 28,843



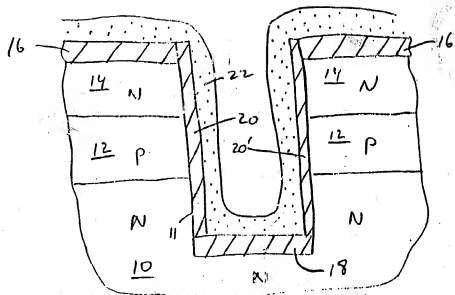


FIG. 1

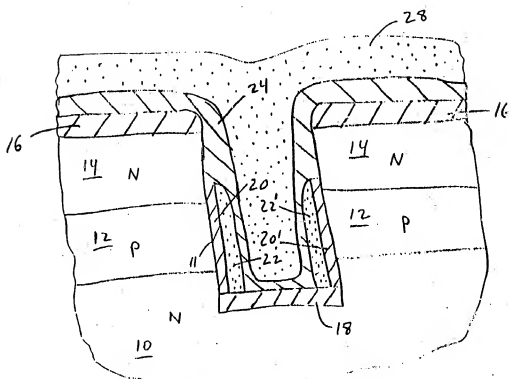


FIG. 2

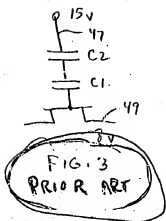


FIG. 3  
PRIOR ART

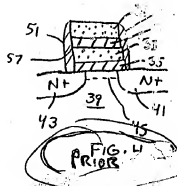


FIG. 4  
PRIOR ART